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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MICHAEL GLAVE, et al.,

11 Petitioners,

12 v.

13 PATRICK GLEBE, et al.,

14 Respondents.

CASE NO. C11-5529RJB

ORDER ON MOTION TO
DISQUALIFY JUDGE ROBERT J.
BRYAN

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16 On April 3, 2012, Petitioners filed a “Motion for Pre-Appeal Relief.” Dkt. No. 43. On
17 the twenty-ninth page of the 29-page document, in a section entitled “Relief Sought,” Petitioners
18 stated:

19 Petitioners further pray that this District Court will transfer this case to a different District
Court Judge based on the allegations of potential judicial misconduct.

20 Id., p. 29.

21 Pursuant to Local General Rule 8(c), Judge Bryan reviewed plaintiff’s motion, declined
22 to recuse himself voluntarily, and referred the matter to the undersigned. Dkt. No. 44. Plaintiff’s
23 motion for voluntary recusal is therefore ripe for review by this Court.
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Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” Yagman v. Republic Insurance, 987 F.2d 622, 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance of bias, not whether there is bias in fact. Preston v. United States, 923 F.2d 731, 734 (9th Cir.1992); United States v. Conforte, 624 F.2d 869, 881 (9th Cir.1980). In Liteky v. United States, 510 U.S. 540 (1994), the United States Supreme Court further explained the narrow basis for recusal:

Id. at 555.

ORDER ON MOTION TO DISQUALIFY JUDGE
ROBERT J. BRYAN- 2

1 basis for a recusal. Petitioners present no evidence (aside from his adverse rulings) that Judge
2 Bryan has “a personal bias or prejudice concerning a party or personal knowledge of disputed
3 evidentiary facts concerning the proceeding.”

4 This Court finds that Judge Bryan’s impartiality in this matter cannot reasonably be
5 questioned. The motion to disqualify Judge Bryan from presiding over this case will be
6 DENIED.

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8 The clerk is ordered to provide copies of this order to Petitioners and all counsel.

9 Dated this _9th_ day of April, 2012.
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13 Marsha J. Pechman
14 Chief United States District Judge
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